

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THOMAS R. LAYTON, an individual,
Plaintiff,

v.

GREEN VALLEY VILLAGE
COMMUNITY ASSOCIATION, dba
GREEN VALLEY VILLAGE HOA, *et al.*,
Defendants.

Case No. 2:14-cv-1347-GMN-EJY

ORDER

Pending before the Court is Defendant's Motion for Hearing on Plaintiff's Motion to Compel and for Sanctions (ECF No. 138). The Motion attaches an email exchange between the parties in which Defendants attempted to arrange a meet and confer for April 5, 2024 in compliance with the Court's March 26, 2024 Order. ECF Nos. 137 at 6; 138 at 6. Of course, this effort was not started until April 3, 2024. ECF No. 138 at 6. Be that as it may, Plaintiff refused to participate in the meet and confer demanding instead that Defendants provide dates on which Mr. Yakubik and the HOA President were available. *Id.* at 5.

The Court's March 26, 2024 Order made clear that "the parties must meet and confer in person or by Zoom (if by Zoom, defense counsel must initiate the conference) no later than 5 p.m. on April 5, 2024." ECF No. 137 at 6. The Court further made clear that prior to the meet and confer Plaintiff was required to provide "Defendants (via email) with a written list of all topics on which he intends to question Defendants' Rule 30(b)(6) witness (if any)." *Id.* Defendants' Motion is silent with respect to whether Plaintiff provided the topics as required. Further, at the meet and confer, the parties were to have available "multiple dates" on which they were available to conduct depositions. *Id.* This also did not occur.

The Court's Order was not a suggestion. Plaintiff was required to participate in a meet and confer, as were Defendants. The parties' failure to comply with the Court's Order is not taken lightly. However, rather than issue an order to show cause why the Court should not consider

1 sanctions, the Court provides **one** additional opportunity for the parties to meet and confer during
2 which the parties **must** select dates for the depositions Plaintiff seeks to take and discuss and finalize
3 the topics on which any Fed. R. Civ. P. 30(b)(6) deponent will be expected to testify. Failure to
4 comply in good faith with this Order may result in sanctions.

5 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Hearing on Plaintiff's
6 Motion to Compel and for Sanctions (ECF No. 138) is DENIED without prejudice.

7 IT IS FURTHER ORDERED that **absolutely no later than 3 p.m. on April 19, 2024**
8 Plaintiff and Defendants **must** meet and confer in person or by Zoom and select dates for depositions
9 of Mr. Yakubik and the HOA president.

10 IT IS FURTHER ORDERED that **absolutely no later than 3 p.m. on April 15, 2024**
11 Plaintiff **must** (if he has not already done so) provide Defendants with reasonably specific topics on
12 which Plaintiff seeks to depose the corporate representative of Defendant Green Valley Village
13 HOA.

14 IT IS FURTHER ORDERED that **absolutely no later than 3 p.m. on April 26, 2024** the
15 parties are to **jointly** submit a status report identifying what, if any, issues remain to be resolved with
16 respect to setting and taking the depositions addressed in this Order.

17 Dated this 9th day of April, 2024.

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19 ELAYNA J. YOUCHAH
20 UNITED STATES MAGISTRATE JUDGE
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